

3762

Orig. Copy

DT07 Rec CT/PTO 18 FEB 2003

Express Mail No. EL 500 578 530 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mueller *et al.*

Serial No. 09/706,583

Filed: November 3, 2000

For: METHOD AND MONITOR FOR
ENHANCING ANGIOGENESIS IN
THE HEART BY EXERCISE
FOLLOW UP

Art Unit: 3762

Examiner: Francis P. Oropeza

Attorney Docket:
10177-137-999
(Formerly 5756-0008.30)

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed July 16, 2002, in which the Examiner imposed a restriction requirement, please consider the following remarks. Submitted concurrently herewith is a Petition to Revive Unintentionally Abandoned Application Under 37 C.F.R. § 1.187(b).

The Examiner required restriction under 35 U.S.C. § 121 to one of the following groups:

Group I. Claims 1-7, drawn to a method of treating a patient for ischemia; classified in class 600, subclass 500; and

Group II. Claims 8-9, drawn to a monitor worn after a surgical procedure; classified in class 600, subclass 500.

Accordingly, Applicants elect to prosecute Group I, claims 1-7, in this application. Applicants fully reserve the right to prosecute the subject matter of the non-elected claims in a subsequent application.

No fee is believe due for this submission other than the fee indicated in the accompanying Petition to Revive Unintentionally Abandoned Application under 37 C.F.R. § 1.137(b). Should any additional fees be required, please charge such fees to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Gidon D. Stern

Date: February 18, 2003

By: *Gidon D. Stern* 27,469
Gidon D. Stern 42,412

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, NY 10036